

REMARKS

Claims 1, 6, 7 and 10-16 are amended. Claims 3-5 and 17-18 are cancelled. Claims 1, 2, 6-8 and 10-16 are pending in the application.

Claims 1, 2, 7, 8 and 10-18 stand rejected as anticipated by *Stephens*; claims 1, 2, 3, 4 and 5 stand rejected as obvious in view of *Nicholson*. Further examination of the application, as amended, and reconsideration of the rejections are respectfully requested.

Claim 1 is amended to clarify the transportability of the apparatus. Claim 6 is amended to clarify the outwardly extending legs are horizontal. Claim 7 is amended to clarify detachability of truss supports. Claims 10-13 are amended to indicate portability of the motor and its controller. Claims 14-15 are amended to clarify detachability and interchangeability of the training target. Claim 16 is amended to clarify portability.

Regarding amended claim 1, *Stephens* indicates permanence of the apparatus, in contrast to applicant's claim. There is no mention in *Stephens* of disassembly for transport of the apparatus. *Stephens* mentions at column 2/lines 40-42 that "the training process [may] be practiced in a remote, specialized high quality gymnasium," indicating that the apparatus is a permanent one.

Regarding claim 2, the support base 10 of applicant's Fig. 1 is similar to the support base 48 of Fig. 1 in *Stephens* only in that both bases are flat. *Stephens's* support base is constructed to simulate a boxing ring, according to 5/16-20, in which the base is referred to as a "mat." One skilled in the art would understand the words "mat" and "plate" to have completely different connotations. The "mat" of *Stephens* is not intended to support the vertical shaft at all. *Stephens* refers to an elevated frame 44 as the support for the vertical shaft. The applicant's claim 2 could therefore not be anticipated by the apparatus disclosed in *Stephens*.

As to amended claim 6, the examiner has pointed out that vertical leg members may be considered as outwardly extending leg members; claim 6 is thus amended to explicitly include the horizontal nature of the legs.

Regarding amended claim 7, *Stephens* makes no mention of removable truss supports. Please see above argument regarding transportability of applicant's apparatus.

As to claim 8, it cannot be said that in the apparatus disclosed in *Stephens* a length from the shaft to a farthest end of the transverse member is greater than a distance from the shaft to a furthest point on the periphery of the support base. In view of Fig. 1 of *Stephens*, it appears that the transverse member does not indeed extend beyond the edge of the base, in sharp

contrast to applicant's claim. In addition, there is no mention in *Stephens* of the relevance of the length of the transverse members in relation to the support base to the stability of the apparatus.

As to amended claims 10-11, there is no mention in *Stephens* of the portability of the motor, regardless of whether it has variable speed and/or direction or not. In regard to amended claims 12-13, *Stephens* makes no indication of the portability of the controlling mechanism.

As to amended claim 14, the invention in *Stephens* does not teach or suggest a training target that is suspended or interchangeable. *Stephens* specifies in 5/62-66 that the training targets are "attached by way of means to overcome the centrifugal force of the rotation of the wheel." The ordinary dictionary meaning of suspended is "to *hang* so as to allow free movement" (emphasis supplied). Clearly, the invention disclosed in *Stephens* does not anticipate applicant's invention.

As to amended claim 15, *Stephens*' training targets may be made specifically with polymer foam, but said foam is provided next to an interior rod. Applicant's claim is for a suspended and interchangeable punching bag which is filled only with said polymer foam. Applicant's claim is substantially different from *Stephens* and one skilled in the art would agree that two such training targets—one with a rod-shaped core and one without,

although both are comprised of polymer foam—would offer substantially different training to the athlete.

As to amended claim 16, *Stephens* again makes no mention of transportability of his apparatus. Applicant's method wherein assembly and disassembly for transport are included is thus not disclosed or anticipated by the invention of *Stephens*. Accordingly, claims 1-5 and 10-18 are not anticipated by *Stephens*. The rejection should be reversed and the claims allowed.

The examiner also rejects claims 1, 2 and 3 as obvious in view of *Nicholson*. *Nicholson* however does not teach or suggest a bearing locator for positioning at least one bearing for the shaft above the support base. *Nicholson* at 1/45 teaches a spring (reference character 24) disposed between transmission 20 and body 32. *Nicholson* at 1/66-2/5 describes use of the sparring dummy. Particularly, the spring allows the device to bob and weave. To somehow modify *Nicholson* to include a support bearing would remove the flexibility imparted by the spring and prohibit the bobbing and weaving of the sparring dummy. This would impermissibly change the principle of operation of the invention. See *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Further, the office action notes the training target as elements 42, which are the boxing gloves affixed to the forearms of the dummy as shown in Fig 1 of *Nicholson*. Gloves 42 are not suspended from a transverse member as in applicant's claims, and it would not have been obvious to one skilled in the art to somehow modify *Nicholson* to include such structure. The ordinary dictionary meaning of suspended as above is "to hang so as to allow *free* movement" (emphasis supplied). As the gloves 42 are attached to the body of the apparatus via a coil spring 38, which "provides a means for springingly pivoting forearm 34 against the upper arm 36" (1/55-57), the targets 42 are by no means *suspended* by the transverse member 44. Because of the spring attachments, the forearms of *Nicholson's* invention are not *suspended*, but rather they are attached by springs, which cannot allow for free movement. Further, the gloves are not hung from the transverse member 44 at all.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If any issues remain that are appropriate for resolution, please contact undersigned counsel.

Respectfully submitted,

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